

The Government Surveillance Reform Act

Section 702 of the Foreign Intelligence Surveillance Act (FISA) is a national security statute that helps the U.S. government surveil foreigners overseas. However, as the program has dramatically expanded with new communications technologies, it has strayed from the original anti-terrorism intent. Unfortunately, and contrary to the Fourth Amendment, Americans' private conversations and records are increasingly collected, searched, and read by the U.S. government.

Additionally, outside of FISA, Americans' privacy is threatened by unchecked surveillance conducted by intelligence agencies outside of FISA. Surveillance undertaken pursuant to Executive Order (EO) 12333 presents many of the same problems as FISA surveillance only without statutory checks and balances or court oversight.

The systematic overreach makes it clear that FISA and EO 12333 must be reformed. The upcoming sunset of Section 702 provides Congress with the opportunity to reform both authorities to ensure they cannot be used to violate Americans' rights.

The **Government Surveillance Reform Act** is the most comprehensive proposal to overhaul of surveillance laws in nearly half a century. The bill encompasses several critical reforms, striking the proper balance of protecting Americans' civil liberties while preserving national security.

The bill extends Section 702 authority for four years with added privacy reforms and constitutional safeguards. Specific provisions include:

- **Closing the backdoor search loophole:** The bill requires law enforcement to secure a warrant before searching U.S. individuals' data.
- **Closing the data broker loophole:** The bill prevents law enforcement from sidestepping the Fourth Amendment by outlawing the purchase of U.S. individuals' data from brokers without a warrant.
- **Prohibiting reverse targeting:** The bill prohibits the monitoring of foreign individuals outside the U.S. as a pretext to surveil U.S. persons within the country, known as "reverse targeting."
- **Ending "abouts" collection:** The bill terminates the practice of gathering non-U.S. citizens' communications that merely reference U.S. persons, curbing mass, warrantless surveillance of Americans.
- **Enhancing oversight and accountability:** The bill stipulates stricter auditing, reporting, and redress processes, promoting responsibility and transparency across intelligence activities.
- **Curtailing overreach in Section 702 data use:** The bill ensures that data collected under Section 702 is not used in criminal or civil cases unless directly connected to national security threats, thus avoiding its application in unrelated legal contexts.
- **Halting warrantless collection of business records:** The bill enhances the personal data security of working individuals by disallowing warrantless surveillance of businesses.

Endorsing Organizations: Asian Americans Advancing Justice (AAJC), AAPI Equity Alliance, AAPI Victory Alliance, American Civil Liberties Union (ACLU), Americans for Prosperity, API Equality-LA, Asian American Federal Employees for Nondiscrimination (AAFEN), Asian Texans for Justice, Aurora Commons LLC, Brennan Center for Justice at NYU School of Law, Center for Democracy & Technology, Chinese for Affirmative Action, Demand Progress, Due Process Institute, Electronic Privacy Information Center (EPIC), Empowering Marginalized Asian Communities, Fight for the Future, FreedomWorks, Libertas Institute, Media Alliance, Muslim Advocates, Oakland Privacy, OCA, OCA Greater Cleveland - Asian Pacific American Advocates, OCA Silicon Valley, Project for Privacy and Surveillance Accountability (PPSA), Project on Government Oversight (POGO), Restore the Fourth, Secure Justice, Stop AAPI Hate, Surveillance Technology Oversight Project and X-Lab.